

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday January 11, 2010**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:55 pm.

**PRESENT:** Chairman Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley called the meeting to order and asked for approval of minutes for the Land Use meeting held on December 14, 2009.

It was moved by Committee Member Schurlknight and seconded by Committee Member Fish to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

**A. Consideration of a Resolution** authorizing and approving a Development Plan for property located at 1317 Old Highway 52, Moncks Corner, South Carolina, **TMS Number 162-00-02-034**, pursuant to Section 8.3.5 of the Berkeley County Zoning Ordinance, Ordinance No. 01-08-35, as amended.

[Staff recommended approval]

[Planning Commission recommended approval]

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** the Consideration of a **Resolution** authorizing and approving a Development Plan for property located at 1317 Old Highway 52, Moncks Corner, South Carolina, **TMS Number 162-00-02-034**, pursuant to Section 8.3.5 of the Berkeley County Zoning Ordinance, Ordinance No. 01-08-35, as amended. The motion passed by unanimous voice vote of the Committee.

**B. Consideration prior to First Reading** of the following:

**1. Request by South Carolina Public Service Authority, 553 Cross Station Road, Cross, Surrounding Land of TMS #032-00-03-040 (810 +/- acres) from F-1, Agricultural District to HI, Heavy Industrial District. Council District No. 7.**

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Pinckney voiced his concern about this request due to current dialogue being generated locally (and otherwise), and wants to make sure that everyone understands it - as some of it he understands and some of it he does not. Because he has received some calls about it - and is not sure how to get his “arms around this thing” – he hopes there is someone present who can clarify the request.

Eric Greenway said that there were representatives from Santee Cooper present who could answer any questions.

Susan Jackson of Santee Cooper (Supervisor, Environmental Services) introduced herself and her colleagues: Denise Bisnett, Environmental Engineer (Landfill Permitting and Expansion) and Will Brown and Dave Evans (Property Management).

Mr. Pinckney stated that he recognized the fact that Santee Cooper has been a blessing to the county, this region and the state as far as being good neighbors and doing the kinds of things that need to be done, and that he in no way has a “beef”, but that with what’s about to happen with this rezoning request, a lot of people in the community and surrounding areas have some concerns and he just wants to make sure that as their Council Representative that they fully understand all the ins and outs concerning this.

Ms. Jackson said that Santee Cooper is working on rezoning at Cross Generating Station because the original property was permitted for four (4) 600 megawatt electrical generating units. Now that those four units are built and are operational, there are combustion by-products being produced which consist of ash and gypsum (samples were circulated). Bottom ash (also known as wet ash) is sometimes sold for use as road aggregate material; gypsum is sometimes sold for agricultural use as it helps crops grow; and fly ash is sometimes sold for concrete (it is fixated in the concrete). She pointed out that the Cooper River Bridge has a lot of fly ash in the concrete that came from Santee Cooper’s Winyah and Cross Generating Stations, and is a good example of responsible recycling.

She stated that sometimes (such as in the current economy) by-products cannot be sold and are therefore put in a landfill - but not the same thing as the Berkeley County Landfill. There is currently one such landfill on-site but as these electrical generating units are operated over the years, plans for additional landfill space are needed, and that is what Santee Cooper is looking into.

Ms. Jackson then introduced a PowerPoint presentation. She began by saying that they originally had the property planned out for landfills in various locations and that’s why they

would like to get this zoning so that they can have expansions in the future. [A copy of the PowerPoint is attached hereto and made a part hereof.]

Mr. Pinckney inquired what the acreage size is of the current landfill there.

Ms. Jackson responded that they currently have about a 90-acre landfill on the site that is about forty (40') feet high that looks a lot like a big rock or piece of elevated land and that when it is fully filled with ash and gypsum, it will be covered with topsoil and planted with grass.

Mr. Pinckney said that in the Informational Guide he received, it stated that there was some wet storage and he questioned if they were now going to utilize a dry procedure.

Ms. Jackson replied that there are two different ways to dispose of ash in the utility industry: 1) wet, which is disposed of in ash ponds (Santee Cooper has some of these ponds), and 2) dry. What they do at Cross, and what they want to do in the future, is to dispose of their fly ash in dry form – a fixated fly ash – with, therefore, no leeching.

Mr. Pinckney asked if Santee Cooper would be willing to give a presentation to the Cross and surrounding communities to provide a clear understanding – pros and cons - as to what they are doing and why they are doing it in light of the fact that it could possibly be another five to seven to ten years before the expansion itself occurs.

Ms. Jackson responded in the affirmative and noted that the first step was zoning, and that the permitting process would require working with regulatory agencies such as DHEC and that it is a multi-year process to get permits for horizontal expansion.

Mr. Pinckney explained that his reason for asking was because there may be people who, in five or seven or ten years when the expansion actually begins, say they did not know about it and in educating the community now, that situation can hopefully be avoided.

Ms. Jackson replied that they could also provide Informational Sheets that explain the processes if needed.

Mr. Pinckney asked for confirmation that they would be willing to come out.

Ms. Jackson said, "Yes."

Steve Davis asked if river ash – with regard to the situation which led Santee Cooper to discontinue a building project in Florence - is the same type of material.

Ms. Jackson reported that the plans in Florence were discontinued to build a full facility which, had it gone through, would be a similar type generating station to the one at Cross and so it would be similar by-products because all of the by-products are ash and gypsum.

Mr. Davis recalled that there was a tremendous outcry in Florence due to the potential harming of the overall environment there (primarily the water base) and said that although he

does not know the pros and cons of the situation, he does know that the project was discontinued. He queried how, if at all, that was taken into consideration in the potential Cross rezoning.

Ms. Jackson responded by saying that that was a good question and she was glad it was asked. She went on to explain that when a landfill is built, the first thing done is to characterize the waste that's going into it; in the Santee Cooper scenario: gypsum and fly ash. Next, samples are taken and tests run to see what is in that product, i.e., the metals. (If it's a certain level, you would fixate it to keep it from being leachable and getting into the ground water.) But, she continued, that alone is not enough for Santee Cooper and the regulatory agencies. The next thing is that when a landfill is built, it is lined to create an impermeable barrier between what's in the landfill and what's in the ground; therefore, any new landfills that Santee Cooper builds - which would be anything built at Cross - would be lined. And that is the next big step. She also discussed a possible - depending upon the need and permits - Lechate Collection System that would collect any lechate. Ms. Jackson went on to say that around the Cross landfill - and what would be around future landfills - is Groundwater Monitoring Wells. Periodic water samples are taken from these wells (which are sunk all the way around that landfill) and analyzed for the parameters of concern (arsenic or selenium), and that currently the wells around the Cross landfill have never shown any trends going up or anything above the drinking water limits for those parameters which are monitored and looked at long-term.

Mr. Davis asked if Cross will only deal with fly ash generated at Cross or would there be transport from other facilities.

Ms. Jackson said that right now all they have at each generating station is the ash from that station and she knows of no reason why that would change. She reported that instead of putting it in the landfill, they do take gypsum (that they sell) to off-site locations such as the drywall facility near Winyah Generating Station and that is then used to produce drywall.

Mr. Davis expressed concern that Cross could end up being a dumping ground in relationship to other generating power plants.

Ms. Jackson answered that she did not foresee that as it was not being done now.

Mr. Davis asked if the matter had been submitted to the Planning Commission as he had not seen any approval or disapproval that he normally sees.

Mr. Greenway reported that it had been submitted to the Planning Commission, that staff recommended denial, that the Planning Commission deferred their recommendation, and that upon re-review - after receiving additional information from Santee Cooper - staff recommended approval as did the Planning Commission.

Mr. Davis asked what that additional information was that was sought.

Mr. Greenway replied that the additional information sought was 1) the type of material that was being stored and, 2) information on the ability for that material to be carried off-site which they had previously felt was non-existent and that once that information was received,

they changed their recommendation. He said they did not feel that there was a strong possibility that this would cause an environmental or a community concern with that facility up there. He also pointed out that it was the desire of Santee Cooper to sell as much of this material as possible and that one of the reasons they have more material right now is because of the economic downturn, but that they are going to sell and recycle as much as is practical in the future.

Mr. Callanan asked that if unable to sell the material is it still segregated into gypsum and fly ash or is it just mixed together.

Ms. Jackson replied that the only reason it would be kept segregated would be if there was the possibility of an upcoming sale. She explained that when it goes into the landfill it is stacked (i.e., ash/gypsum) but because farmers use gypsum on a seasonal basis, there are times when a pile of gypsum is kept over to the side if they know they will be selling it in the spring.

Mr. Davis asked if it is given to the farmers for free or if they have to pay for it.

Ms. Jackson responded that Santee Cooper sells it – and at a good price.

Mr. Pinckney cited an article in the day's newspaper that said the EPA is currently requesting monies be set aside for future clean-up of ash landfills in the event there is infiltration of groundwater and asked what way, if any, does this affect the Cross plans?

In response, Ms. Jackson pointed out that the referenced article contained a quote by Laura Varn, Corporate Community Relations Vice-President at Santee Cooper, stating that Santee Cooper would meet any new proposed regulations with regard to establishing whatever is required by way of financial security. She continued on to say that this was a proposed regulation and following regulations insures that they will always be prepared to meet whatever is required of them.

It was moved by Committee Member Callanan and seconded by Committee Member Fish to **approve** prior to **First Reading**, the **Request by South Carolina Public Service Authority**. The motion passed by majority vote of the Committee. Committee member S. Davis voted "Nay" and Committee member Pinckney abstained.

**C. Review prior to Third Reading** of the following:

**1. Bill No. 09-51, an ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Artamus Nichols** for Nichols Equipment, Inc., 2192 Highway 52, Moncks Corner, **TMS #181-00-02-055,-056** (3.33 acres), **from GC, General Commercial District to LI, Light Industrial District**. Council District No. 8.

It was moved by Committee Member Steve Davis and seconded by Committee Member Fish to **approve** prior to **Third Reading**, **Bill No. 09-51**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 7:13 pm.

February 8, 2010  
Date Approved

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mr. Timothy J. Callanan, District No. 2  
Mr. Robert O. Call, Jr., District No. 3  
Mrs. Cathy S. Davis, District No. 4  
Mr. Dennis Fish, District No. 5  
Mr. Jack H. Schurlknight, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8  
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday January 11, 2010**, following the meeting of the Committee on Justice and Public Safety at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

**AGENDA**

**APPROVAL OF MINUTES**

**December 14, 2009**

**A. Consideration** of a **Resolution** authorizing and approving a Development Plan for property located at 1317 Old Highway 52, Moncks Corner, South Carolina, **TMS Number 162-00-02-034**, pursuant to Section 8.3.5 of the Berkeley County Zoning Ordinance, Ordinance No. 01-08-35, as amended.

[Staff recommended approval]

[Planning Commission recommended approval]

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January 6, 2010  
S/Barbara B. Austin, CCC  
Clerk of County Council